C. F. 71 & 72—70,000—14-7-30

C.F. 71 & 72.

1931

Department of Revenue

OFFICE of the Board of Rev: L.R.A.

STATION Madras.

B. P. Mis. No. 2697/31

Dated 20-11-31

To whom sent	Date	Initial
The Collr of Bellary.	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched	
Pages in the file CF = 12 AF = 6	Indexed	
	To be destroyed on*	

(SUBJECT.)

Mining leases – Manganese – (Bellary) – Kudligi Tk – Summaraged die reserve – Remission or suspension of dead rent – Refused – Review petition – Ord.

* Not to be filled in in the case of permanent records.

K 1675

9.9.31

From T Raghava Ba. Bl
Advocate

BOARD OF REVENUE
MADRAS
16 SEP 1931

To

The Commissioner of Land Revenue & Settlement.
Board of Revenue, Madras.

Ref c 3837/31 Through
Forwarded — C. B.P. 26 36 Mis. dt 20.8.31
The District Collector of
Bellary.

DISTRICT TREASURY
9 SEP 1931
BELLARY

Re. Mines Lease Manganese - Bellary - Kudligi Taluk - Thumbaraguddi Reserve - Remission or suspension of Dead rent - Mysore Development Syndicate.

Petition on behalf of the Mysore Development Syndicate most respectfully submitteth:--

1. The petitioner prays for a reconsideration of the matter by the Board.

2. The petitioner urges the facts that the Syndicate has not yet been able to take possession of the Mines. There is litigation still pending between the Syndicate and Messrs. Lalan & Co., the previous holders of the properties. It is really very hard that the petitioner should be compelled to pay the dead rent, when he is still out of possession of the properties.

3. The petitioner emphatically urges that the Syndicate is ~~trying~~ praying for nothing but pure justice and equity in the matter. The financial stringency of the times is indisputable. It is also a fact that there is no near prospect whatever of working the Mines at all, let alone realising any profit therefrom.

4. The petitioner respectfully submits that even according to the Mining Rules the lessee shall pay the ~~xxxx~~ fixed half year-ly rent, in respect of which rent the lessee may in the half year in respect of which the same is ~~payxxx~~ payable sell and carry away the said correct quantity of the ore

as at the rates in the next succeeding caluse mentioned would produce royalties for that half year equal in amount to the said half yearly rent. But the said half yearly rent shall be paid whether such quantity shall be sold and carried away or not. This in the humble opinion of the petitioner does contemplate working of the Mines before the dead rent is payable.

TREASURY 9 SEP 1931

5. The petitioner further submits that it is not equitable that the Syndicate should be penalised by the payment of the dead rent when owners of other Mining properties in the same District have been accorded suspension of their dues. The petitioner cannot understand how such a distinction could be made against the Syndicate. Lessees who have worked their mines for sometime have been excused payment of dead rent on the mere ground of trade depression and financial embarrasment of the present times: In such circumstances the petitioner hopes that he will be pardoned if he should think that the Board is extremely hard and cruel in dismissing the petitioner's application for suspension of dead rent.

6. The petitioner once again prays with all respect that the concession which has been so generously granted to other lessees in the same District may also be shown to him. The petitioner once again points out that the circumstances of the Syndicate are worse than the circumstances of lessees who have obtained such suspension of dead rent. The Syndicate has not even obtained possession of the properties. It has not commenced work. There is litigation still pending about the properties. In ordinary circumstances the Syndicate will take at least a couple of years more to begin work. The Syndicate urges that these are circumstances which by themselves deserve a concession from the Board. When they are added however to the peculiarly stringent financial circumstances the Syndicate's case certainly deserves special consideration.

7. In the above circumstances the Syndicate prays that the suspension of rent for at least 2 years may be granted.

8th September 1931.

Raghava:
Counsel for Petitioner.

4

15.10.31

Re Submitted
with proper Court fee &c

W Coghlan
Commsr for
Pets
14.X.31

C 3837/31

Forwarded.

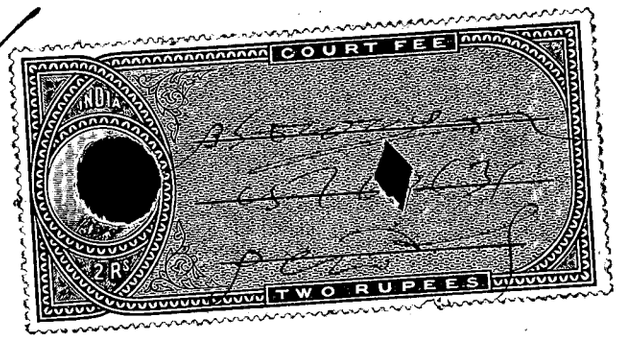
Collector
to the
Collector.

15.10.31

15.10.31

To The Board of R.T.S
Madras.

Board



Board of Before the Commr
of Lands + Settlement
Board of Rev- Madras

ಕೋರ್ಟ್‌ಗೆ.

192 — ನೇ ನಂಬರು.

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್,
The Mysore
Development
Syndicate

ಪ್ರತಿವಾದಿ ಯಾ ಆಪೋನೆಂಟ್

vs.

ಮು॥ ರಾ॥ J. Raghavachar Esqr B.A. B.L.
Advocate. Bellary

ಬರಸಿಕೊಟ್ಟವಕಾಲತ್‌ನಾಮಾ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಖೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸುವದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗೂ, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡಿಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

15. 10. 31.
ತಾರೀಖು

ರುಜು

B.S. Shankarappa Advocate
Municipal Councillor

ಈ ಮೊಖ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಯುಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

Accepted
Raghavachar Advocate
16-X-31

ಯು. ಪಿ. ಮಲ್ಲಯ್ಯ ಬುಕ್‌ಬೈಂಡರ್ ಶ್ರೀ ನಂದೀಶ್ವರ ಭಾರತೀ ವಿಲಾಸ ಪ್ರೆಸ್ ಬೆಂಗಳೂರು ಸಿಟಿ.

K.H. 20.x.31

Q. Stamp required
K. Raghava
Counsel for T. Raghava

K1646
Rs 3-00

Before The Commissioner of Land
Rev Settlement
Board of Rev - Madras

Petitioner - The Mysore Development Syndicate

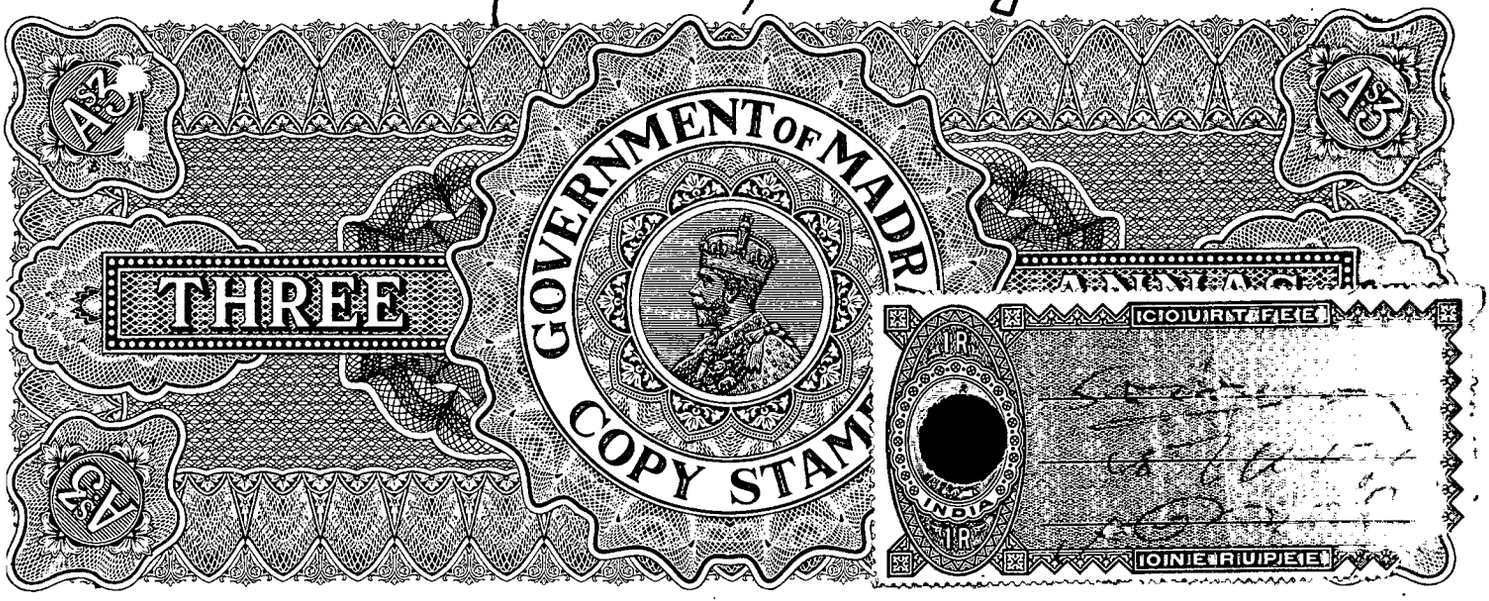
Subject - Suspension of
Dead rent due
in Connection with the
manganese mines
at Tumbarguddi
Bellary Dist

I am
hereby declare that
duly instructed to appear
on behalf of the petitioner in
the above matter

K Raghava

Counsel for
Petitioner

Collector C.A. 45/31 // J. Raghava Chari



Proceedings of the Board of Revenue, Land Revenue & Settlement, Madras.

Name:- C.A. Souter Esqr. I.C.S.
Commissioner of Land Rev: & Sett..
Dis: No. 2636 dated 20th August 1931.

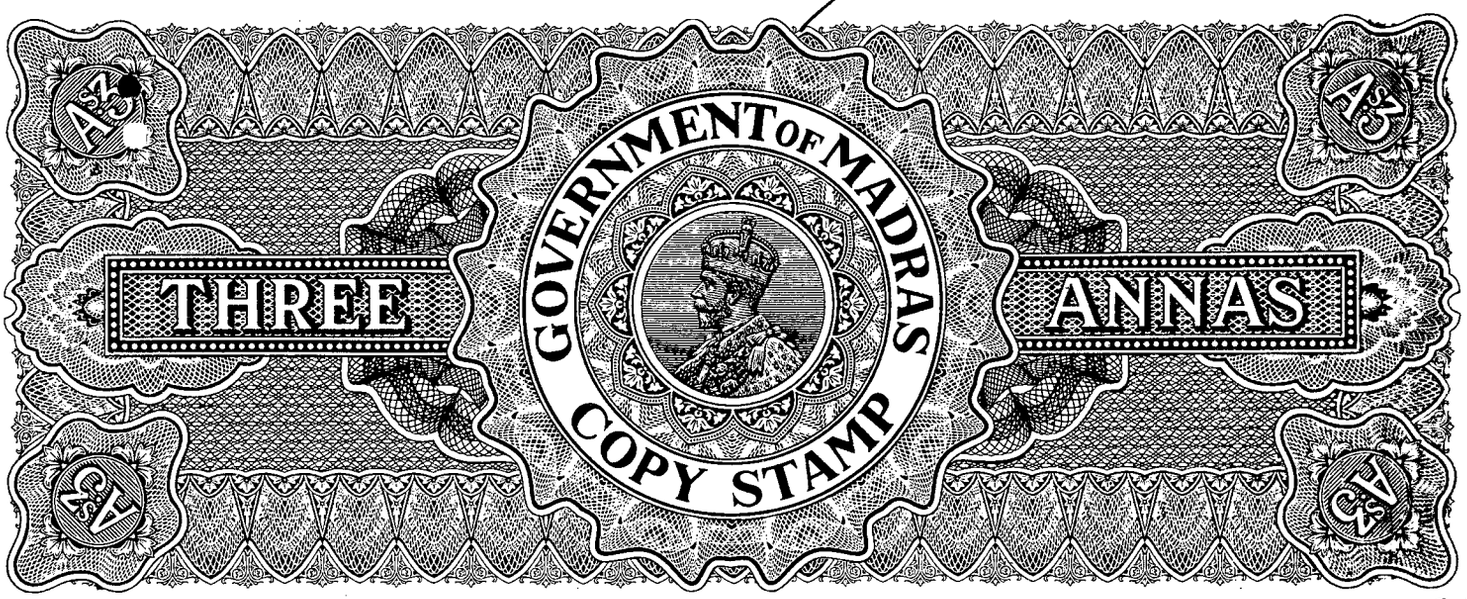
Read:-
Letter from the Collector of Bellary. Ref: C. no. 3837/31-A-1 dated 4th August 1931.-

Resolution:-
Mining Leases- Manganese- (Bellary) Kudligi Taluk- Tummaraguddi Reserve- Remission or Suspension of dead rent- Request Swapna Development Syndicate- Refused.

The Board sees no reason either to suspend or to remit the dead rent due under the lease. The lessee will however be allowed time to start working the mine up to a limit of two years provided that he-

pays

13



(2)

he pays the dead rent regularly. If he fails to pay the dead rent, steps should be taken to terminate the lease and take possession of the mine.—

(True Extract)
Sd/ K. Raman Nayar
Asst. Secretary/

(True Copy/)

K. Raghaviyya
13.10.31
Dy: Dy: Collector

T. Raghavan
Counsel
14-X-31

GK
13/10

AS
13-10-31

725 14

87/10/31

Copied by S. Kasambu Naicker

Compared by A. Soorgenarayana
13-10-31

No. of words 136

No. of Corrections nil

Date of receipt 13.10.31

Time Copy ready 13.10.31

Date of despatch 14.10.31

15

R. F. XXII-A-19-39,500- 22-4-30 (6).

Subject. — Mining leases - Manganese - (Bellary)

FOR MEMBER.

AS (Ptt) Kudligi Tk - Thumbaraguddi Reserve - Remission or suspension of dead-rent - Mysore Dev. Syndicate - Request - Refused - Review petn.

READ AGAIN B. P. No. , dated 193

193

READ ALSO :-

Register No. K 1475 / K 1646 / 31 From the Q R No. dated 193

193

193

193

RESOLUTION. K 1475 No. 31-2, dated 27-10- 1931

Issue
27.x.31

DEPT. RECEIVED
28 OCT 1931

To the Coll^r of Bellary

The valakat produced by the Advocate has been stamped with a Court fee label of the value of Rs two only instead of ~~with~~ Rs three. The Copy of the order, on review of which is sought has been stamped with a C.F. label of the value of Re one whereas stamps to the value of annas eight only would suffice. The Coll^r is therefore requested to obtain from the Advocate and submit within a fortnight from ~~date of this order~~ the deficit C.F. labels to the value of annas eight only.

28/10/31

26.10.31 26.x.31 27.10.31

C F. 32-(a).

In reply, please quote short

19 cf 8as.

BOARD OF REVENUE MADRAS 5 NOV 1931 LAND REVENUE & SETTLEMENT

DEPARTMENT. K1735

Received *Registered*

From (Name) A. Galletti, B.Sc., M.A., I.C.S.,

(Designation) Collector of Bellary

Post Box....., (Station)..... Bellary

Telegraphic Address.....

To The Secretary to the Commissioners,

Board of Revenue, Land Revenue and Settlement,

Madras.

Ref.C. *No.* ~~3837/31~~, *dated* ~~4.11.31~~ 19

Sir, 1507

Board's Ref. K. 1475/31 dated 27.10.31.

The deficit court fee label to the value of annas eight only is obtained and enclosed.

£0720 | 11

R.V. 4.11. For Collector

4/11

ENCLOSURES

one Court fee label for the value of 8as.

SPARE COPIES

21

R. F. XXII-A-19—80,004—2-2-31-(6)

Subject.

FOR MEMBER.

Mining leases - Manganese - (Bellary) - Kudligi Tk - Jummaraguddi Reserve - Remission or suspension of dead rent - Refused - Review petition - Orders passed.

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :—

Register No. K.1475 K.1646. K1721 K1735 From the _____, No. _____, dated _____ 193

31 Q — Read in Endorsement p 4 c 7.

" " _____ , " " _____ , _____ , " _____ 193

" _____ , " " _____ " " _____ , " _____ 193

RESOLUTION. Mis. No. 3697 dated 20-11-1931

Issue
20.XI.31

The Coll^r is requested to inform Mr. T. Raghava B.A.B.L., advocate on behalf of the Mysore Dev. Syndicate, that the rules do not permit the suspension of dead-rent and that the only concession that can be allowed is that already granted in BB. 2636 Mis dt. 20.8.31. If the dead-rent is not paid regularly, steps should be taken to terminate the lease and take possession of the mine.

To the Coll^r of Bellary

SVR 18/11/31. Issue 19.XI.31

Ltr 19.11.31

M1

S

A.S. (Felt)

1

Note file

Mining leases - Manganese (Bellary) - Kudligi tk - Thumbaraguddi reserve - Remission or suspension of dead-rent - Mysore Dev. Syndicate - Request - Refused - Review pet^n.

p15 c.7 — Bdd Rep: K 1475-31-2 dy 27.10.31.

p17 c.7 — K 1721/31

To A.S. (Felt).

Pl. see the review petition from Mr. T. Raghava at pp1-3 c.7 and his letter at at p.17 c.7 and M.'s remarks thereon.

pp3-7 g (T) 2. The advocate's original pet^n on behalf of the Mysore Dev. Syndicate praying for the remission or suspension of the dead-rent due on the manganese mine in the Thumbaraguddi reserve till the Syndicate was able to work the mine & make profits was disposed of in Bdd 2636 Mis. dy 20.8.'31. The review pet^n subd by him is pending disposal. Deficit court fee labels have been called for. The advocate prays for a personal hearing before the review pet^n is disposed. (T) (x) 150-3-32

p15 c.7. 3) The Board does not usually hear advocates in such matters. In accordance with M.'s orders at p 17 c.7

Rule XVI at P 620 of Bdd. Vol II

a draft is sent to the advocate is subd for approval. According to the present tour programme of H.E. will arrive at Madras on the 5th Dec. subject to approval it is proposed to inform the advocate that he will be given a hearing on someday after the first week of Dec. and that the exact date will be intimated to him later on.

4. In the linked file orders have been passed cancelling another lease of the Mysore Dev. Syndicate in Lingala Vge, Pulivendla Th, Cuddapah Dist. and the draft order is subd for approval. It is for orders whether the orders in that file may issue.

Sd 4.11.31. Sd 4.XI.31.

order, whether the Advocate should be given a personal hearing on disposing of the revised petition.

Sd 5.11.31.

5/11

The order in the linked file which relates to another mine not mentioned in the Advocate's letter on p.1/C.7. may issue.

Sd 5.11.31.

5/11

S

I would invite attention to the notes at top of p.3 N.F. of the file below.

5.11.31.

SECY. 5 NOV 1931

I mistook the last minute for this one. Hence why I invite attention to p.1/C.

5/11/31

1st

S
A.S. (Gett)

To A.S. (Gett)

p.15c.7 Bd's Ref. K/475-31-2d) 27-10-31.

p.19c.7 K 1735/31

p.19c.7 The deficits c.f. label has been received. There are no fresh grounds in the various petitions at pp 1-3, which were not considered before the issue orders at (I). ~~for orders~~ ~~whether~~ the advocate may be informed that the Bd. sees no reason to reconsider the orders already passed.

Ref 6-11-31

AMcf

2) Orders are also solicited whether the advocate should be informed that no pasks or advocates are to be heard by the Bd. in such

The Advocate may be informed that the Bd. did not consider that any useful purpose would be served by granting him a personal hearing in the matter.

J. 6.11.31 Bd 6.XI.31

Ref 6.11.31 I have had a discussion with the Advocate. It seems clear from (1) that the Syndicate has had great difficulty in getting possession & (2) that the manufacture market is dead.

S Ref

AMcf 7.11.31.

Ref.

The Accountant seems favourable to a suggestion not to lose its interest in the consignment & the cases. The deposit may be suspended for 2 years

on the instant mustang
that arrears are paid up in the
Quarters of the mine starting work.

7.11.21

To A.S. (Secy).

Pl. see M/s order - at p/s 3-4 N.F.

above.

Resubmitted.

2/. As already noted at p.6 N.F. of (T) neither the rules nor the clauses in the lease deed contain a provision for the Suspension of the dead rent payable under the lease deed. No ~~other~~ precedents are ~~also~~ traceable wherein the Board has granted such a concession. During the Great war Mr. Ghose was granted a similar concession by Govt. Even then it was only a postponement of Collection and the lessee was ordered to pay the dead rent with interest ~~of~~ within a year after the conclusion of peace. It is subd that in that Case the Board did not recommend the postponement of collection of dead rent. It may also be pointed out that the lessee in that case was not responsible for the failure to work the mine and the circumstances Vig.

S
A.S (Secy)
Thro' (S)
re: Suspension of collection of dead rent (Ghose Case)

stated from at pp 12 B - 15 B of the M. Mail

I.G. No 1814 Mis. Rev. 9.8.16 — Pol 1503 Mis 18.8.16. — pp 9-10 of (L)

para 3 at p 8 of (L)

Vij. the Great War were beyond his control. In this case the lessees have failed to take possession of the mine from the sub lessees Lalan & Co. The latter have reported that they were ready to hand over the mines.

(H) Looped (K.663) 31.

Ref.

3/. With ref. to Mr.'s remarks that the Syndicate has had great difficulty in getting possession of the mine, attention is invited to the advocate's statements at p.1 C.7. and at p.5 of (T) from which it will be seen that the lessees have not yet taken possession. Attention is also invited to para 11 at p.6 C.7. of (T) regarding the financial condition of the Syndicate.

4/. In the above circumstances it is for orders whether the Board would on the analogy of the order in Mr Ghose's case at (L) recommend to Govt. the suspension of the collection of dead rent for two years.

5/. If so, the Collr. may be requested to report the amounts actually in arrears now and the amount of security deposits for orders.

12.11.31.

13.XI.'31

I venture to submit this file for a reconsideration of the order* already passed by Hy on pages 3 to 4 above, allowing the suspension of the Collection of the dead rent for a period of two years, in the circs stated in the office note above. As there is no provision either in the Lease deed or in the Mining rules for the suspension of the dead rent which has to be collected as it falls due, it seems necessary to address Govt. if the concession is to be allowed. The only Concession that can be allowed is to allow the Syndicate time to start working the mine as stated in my note on p. 6 of the N. file (T) As stated in the office note above the records do not show that the Syndicate desires any other Concession.

Chk
14.11.31

S
Put to A.S. (Sett)
Draft subd

2. As the revised pet[n] and further correspondence were read this. the Cell[r] orders are proposed to be issued thro' the Cm[r]

SH 18/11/31. Chk 19.XI.31

Chk 14.11.31

* not issued yet.

A.S. 15.11.31.

Put.

Do this & file the D[r] Govt. will not permit the suspension of dead rent. by instalm[s]

Chk 17.11.31

A.S. (Sett)